



# **NOAA**

## **National Environmental Policy Act Workshop for Grants**

**February 9, 2005**

**Seattle, Washington**

### **NOAA's Strategic Planning Office**

#### **What is SPO's role in NEPA?**

- **SPO director is the NOAA NEPA Coordinator**
- **NEPA compliance for NOAA & DoC**
- **Final concurrence & clearance of NEPA documents**
- **NEPA liaison between NOAA and the White House Council on Environmental Quality and EPA**
- **NEPA "hot line"; general guidance on NEPA**
- **Keepers of NAO 216-6**

**[www.nepa.noaa.gov](http://www.nepa.noaa.gov)**

# **National Environmental Policy Act**

## **What is NEPA?**

- Sets national goals & policies
- Systematic, interdisciplinary approach
- Created the Council on Environmental Quality

## **What does NEPA do?**

- Policy statement
- Procedural
- Environmental inventory
- Responsibility to the public

## **How is NEPA implemented?**

- CEQ regulations for all Federal agencies
- NAO 216-6 for NOAA

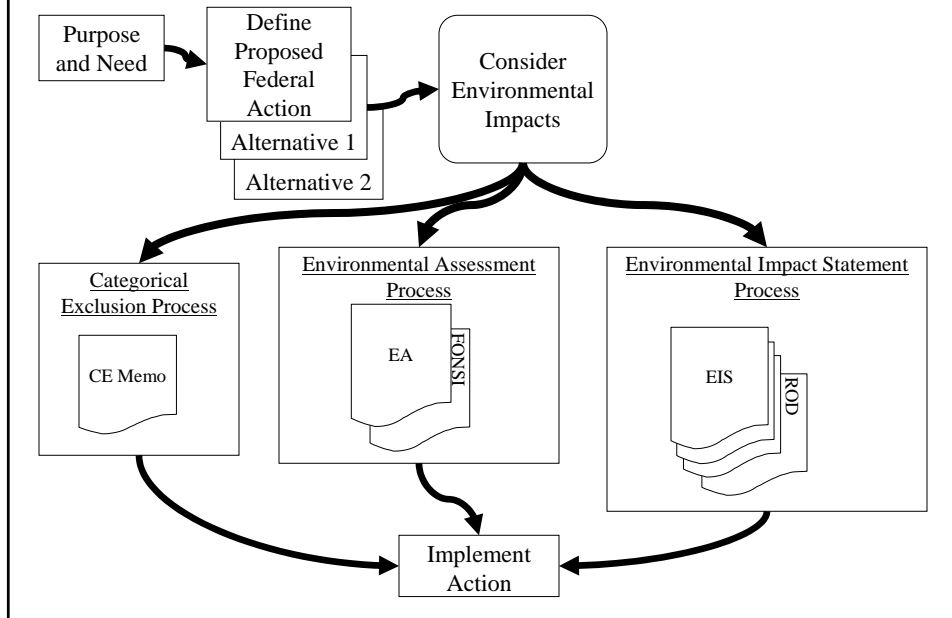
# **National Environmental Policy Act**

## **NEPA's Purpose:**

### **To Facilitate *Informed* Decision Making by**

- Integrating the NEPA process into early planning to ensure appropriate consideration of NEPA's policies and to eliminate delay.
- Fostering better decision-making through an understanding of environmental consequences before actions are taken.

## Overview of the NEPA Process



## Part I. How NEPA Applies to Grants

***Question 1:*** Are grants exempted from compliance with NEPA and NAO 216-6?

***Answer:*** No.

***Question 2:*** Does NEPA apply to the processing of grant applications?

***Answer:*** Yes

## **Part I. How NEPA Applies to Grants**

***Question 3:*** If NAO 216-6 applies to all grant awards, does every proposed grant award require a “NEPA document”?

***Answer:*** Yes.

***Question 4:*** Is the Program Officer Checklist and Certification for NOAA Financial Assistance Awards a NOAA NEPA document?

***Answer:*** No.

## **Part II. Roles and Responsibilities**

***Question 1.*** Does NAO 216-6 designate the NOAA officials who are responsible for complying with NEPA on grants?

***Answer:*** Yes.

***Question 2.*** Who are the Responsible Program Managers (RPM) in NOAA?

***Answer:*** RPMs may be any one of several staff positions in the various line offices.

## **Part II. Roles and Responsibilities**

***Question 3.*** What are RPMs required to do under NAO 216-6?

***Answer:*** RPMs have two primary responsibilities:

- 1. Determine if grant award constitutes a major federal action.**
- 2. Determine the appropriate level of review required.**

***Question 4.*** What are the grant applicant's responsibilities under NAO 216-6?

***Answer:*** Grant applicants need to provide sufficient information for the RPM to carry out his/her responsibilities.

## **Part III. General Procedures**

***Question 1:*** What are the general steps RPM's must take to ensure compliance with NEPA?

***Answer:*** The steps are outlined in Section 5.01b.1 of NAO 216-6 (*Refer to Handout 2*).

***Question 2:*** Does this have to be done for each individual grant award?

***Answer:*** No.

## **Part IV. Categorical Exclusions**

***Question 1:*** What is a categorical exclusion?

***Answer:*** A category of NOAA actions that, when conducted, need not be covered by an EA or EIS when they meet certain conditions.

***Question 2:*** Do all grant awards qualify for a categorical exclusion?

***Answer:*** No.

## **Part IV. Categorical Exclusions**

***Question 3:*** How does the RPM document the appropriateness for use of a CE for a grant award?

***Answer:*** By preparing a categorical exclusion memorandum referring to the categories listed in NAO 216-6.

***Question 4:*** Where can I find a sample of a categorical exclusion memorandum?

***Answer:*** Exhibits 5a and 5b of NAO 216-6  
(Refer to Handout 3 and Handout 4).

## **Part IV. Categorical Exclusions**

***Question 5:* Can a proposed grant award that would normally qualify as a categorical exclusion lose its exclusion status?**

***Answer:* Yes.**

***Question 6:* What is a cumulative impact?**

***Answer:* Combined effects on quality of the human environment that result from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.**

## **Part IV. Categorical Exclusions**

***Question 7:* If a proposed grant award(s) that would normally be categorically excluded loses its exclusion, what NOAA NEPA document is the RPM required to prepare for it?**

***Answer:* At least an environmental assessment and possibly an environmental impact statement, if there is a potential for a significant environmental impact(s).**

***Question 8:* Where do I find a list of NOAA actions that may initially qualify for a categorical exclusion?**

***Answer:* NAO 216-6 contains all CEs available to NOAA; also refer to the back pages of the CE checklist handout for a list of non-construction CEs.**

## Part V. EAs & EISs

**Question 1:** Do some proposed grant awards that do not qualify for a categorical exclusion require the preparation of at least an environmental assessment?

**Answer:** Yes.

**Question 2:** Is the preparation of an environmental impact statement (EIS) for a proposed grant award(s) a possibility?

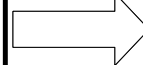
**Answer:** Yes.

## Categorical Exclusion Checklist

Using the checklist is a two part test:

First, determine the significance of the effects of awarding the grant.

If unsure



May be significant

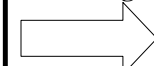
Need to ask the applicant for more info

If not significant



Second, determine if there is a category that applies.

If no category



Does not qualify for CE. Need EA or EIS

If one applies



Prepare CE memo



## **Categorical Exclusion Checklist**

**Step 1. Determine the significance of the effects of the action by answering a series of yes or no questions.**

- 1. Does the grant involve any federal permits, or other federal agency direct involvement, activity, oversight, or funding?** Yes ☐ No ☐
- 2. Is this an entirely new NOAA grant program?** Yes ☐ No ☐

## **Categorical Exclusion Checklist**

**Step 1. Determine the significance of the effects of the action by answering a series of yes or no questions.**

- 3. Will this NOAA grant establish a precedent or represent a decision in principle about future grant and award actions with potentially significant environmental effects?** Yes ☐ No ☐
- 4. Have a number of similar grant actions been considered? If yes, will there be cumulatively significant impacts?** Yes ☐ No ☐

## **Categorical Exclusion Checklist**

**Step 1. Determine the significance of the effects of the action by answering a series of yes or no questions.**

**5. Could this NOAA grant have significant effects on public health or safety?** Yes ☐ No ☐

**Will the proposed action:**

- Create high levels of noise for an extended period of time? Yes ☐ No ☐
- Have long or short term aesthetic effects, e.g., visual effects or effects on scenery? Yes ☐ No ☐
- Require large amounts of outdoor lighting or create any unusual odors? Yes ☐ No ☐
- Require large amounts of water or electricity for an extended period or time? Yes ☐ No ☐
- Have long or short term effects on the transportation infrastructure, or create a significant increase in local traffic? Yes ☐ No ☐

## **Categorical Exclusion Checklist**

**Step 1. Determine the significance of the effects of the action by answering a series of yes or no questions.**

**6. Could this NOAA grant have significant adverse impacts on any geographic area(s) with unique characteristics? Will the proposed action:** Yes ☐ No ☐

- Degrade or disturb coral reefs? Yes ☐ No ☐
- Degrade or disturb previously undisturbed areas? Yes ☐ No ☐
- Affect any areas such as wetlands and flood plains? Yes ☐ No ☐
- Disturb archaeological or historic resources? Yes ☐ No ☐

## **Categorical Exclusion Checklist**

**Step 1. Determine the significance of the effects of the action by answering a series of yes or no questions.**

- 7. Could this NOAA grant have highly uncertain and potentially significant environmental effects or involve unique or unknown risks? Will the proposed action:** Yes ☐ No ☐
- Potentially result in the introduction or spread of a nonindigenous species? Yes ☐ No ☐
  - Involve aquaculture activities that could result in the introduction or spread of invasive or non-indigenous species? Yes ☐ No ☐
  - Significantly impact water resources such as surface or groundwater? Yes ☐ No ☐
  - Significantly contribute to water degradation or impairment? Yes ☐ No ☐
  - Generate large amounts of hazardous waste or any toxic waste? Yes ☐ No ☐
  - Emit dangerous levels of ionizing or nonionizing radiation? Yes ☐ No ☐
  - Result (directly or indirectly ) in the generation of large amounts of air pollution? Yes ☐ No ☐

## **Categorical Exclusion Checklist**

**Step 1. Determine the significance of the effects of the action by answering a series of yes or no questions.**

- Could this NOAA grant have adverse effects on species listed or proposed to be listed as Endangered or Threatened, or have adverse effects on designated critical habitats? Yes ☐ No ☐
- Will this grant threaten to violate a Federal state, local, or tribal law imposed for the protection of the environment? Yes ☐ No ☐
- Will this NOAA grant have highly controversial environmental effects (i.e., are the effects likely to be subject to serious scientific dispute)? Yes ☐ No ☐

## **Categorical Exclusion Checklist**

**Step 2. Determine if the activity being conducted under the grant qualifies for a categorical exclusion in NAO 216-6.**

Research	NAO 216-6 § 6.03.c.3(a)
Financial and Planning Grants	NAO 216-6 § 6.03.c.3(b)
Minor Project Activities	NAO 216-6 § 6.03.c.3(c)
Pre-Proposal Actions	40 CFR 1508.23
Administrative or Programmatic Functions	NAO 216-6 § 6.03.c.3(d)
Regulations Implementing Projects or Plans	NAO 216-6 § 6.03.c.3(i)
Listing Actions Under Sec. 4(a) of ESA	NAO 216-6 § 6.03.e.3
MMPA	NAO 216-6 § 6.03.f.2
Restoration Actions	NAO 216-6 § 6.03.b.2
Fisheries Management Plans and Amendments	NAO 216-6 § 6.03.d.4

## **NOAA NEPA Contacts**

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Center for Biological Diversity v. National Science Foundation, 2002 WL 31548073 (N.D. Calif. 2002).

The National Science Foundation (NSF) was conducting acoustic research from a vessel in the Gulf of California in the Mexican Exclusive Economic Zone (EEZ). The research used high energy seismic airguns to gather data about the structure of the sea floor and underlying rock and sediments as well as the rifting of the lithosphere where the Pacific and North American plates meet in the Gulf of California. During that time, at least two Cuvier's beaked whales were found stranded and dead on a beach close to where the research was occurring. Shortly thereafter, a NMFS scientist stated at the annual MMC meeting that he believed the stranding was related to the vessel's seismic airgun activities. Plaintiff filed a motion for a temporary restraining order to stop NSF from conducting its research, asserting violations of the Marine Mammal Protection Act (MMPA) and NEPA. The U.S. District Court for the Northern District of California granted the plaintiff's motion, concluding that the plaintiff had demonstrated a likelihood of success on the merits and the possibility of irreparable harm.

Specifically, the Court found that NSF's activities presented a significant danger of injury to and harassment of marine mammals, which could violate the MMPA. The Court further found that the NSF did not prepare an EIS or EA as required by NEPA. The Court rejected NSF's argument that applying NEPA would hamper the enforcement of other statutes and regulations, reasoning that requiring an agency to consider the environmental consequences of its decisions affecting projects outside the United States but not within the territory of another country would not affect the enforcement of other statutes and regulations. The Court found that NEPA applies on the high seas, and Mexico's EEZ is considered part of the "high seas" under U.S. law.

## **HANDOUT #2**

### **General Steps RPMs Must Take to Ensure Compliance with NEPA**

NAO 216-6 Section 5.01b

5.01b. Process.

5.01b.1. The environmental review process includes all of the actions required by CEQ in 40 CFR 1502 and 1503 for compliance with NEPA (Exhibit 2 to this Order). The process involves the following series of actions accomplished by or under the direction of the RPM:

5.01b.1(a) define the proposed action;

5.01b.1(b) consider the nature and intensity of the potential environmental consequences of the action in relation to the criteria and guidance provided in this Order to determine whether the action requires an EIS, EA, or CE;

5.01b.1(c) prepare a CE memorandum, as appropriate;

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5.01b.1(d) prepare an EA or initiate planning and for an EIS where an EIS is known to be appropriate;

5.01b.1(e) prepare a FONSI (which ends the NEPA environmental review process for actions found not to have a significant impact on the quality of the human environment) or initiate planning for an EIS/SEIS based on the EA;

5.01b.1(f) publish a NOI to prepare an EIS/SEIS and formally scope key issues in the EIS;

5.01b.1(g) conduct the scoping process to determine relevant issues;

5.01b.1(h) prepare a draft EIS/SEIS;

5.01b.1(i) publish a Notice of Availability (NOA) and distribute the draft EIS/SEIS for 45-day public comment period;

5.01b.1(j) hold a public hearing(s), if appropriate, on the draft EIS/SEIS;

5.01b.1(k) incorporate public comments and responses to comments in a final EIS/SEIS;

5.01b.1(l) publish a NOA and distribute the FEIS/SEIS for a 30-day "cooling off" period and public comment; and

5.01b.1(m) release a ROD to the public.

5.01b.2. To provide the maximum help in guiding the environmental review and decision process, the environmental review is to be coordinated by the RPM and initiated as early as possible in the planning process, regardless of whether the RPM anticipates the need for an EA or EIS. In the case of uncertainty regarding either preparation of the proper NEPA documents, or coordinating environmental analyses required by other statutes, early consultation with the NEPA Coordinator will assist the RPM in determining the best means for NEPA compliance. Consultation with the NEPA Coordinator during the early stages of document preparation should facilitate review and clearance at later stages of the decisionmaking process.

5.01b.3. In those cases where programs or actions are planned by Federal or non-Federal agency applicants as defined in Section 4.01b. of this Order, the RPM will, upon request, supply potential applicants with guidance on the scope, timing, and content of any required environmental review prior to NOAA involvement (see Section 5.08 of this Order for more -12- information). A listing of some programs and actions commonly involving NEPA-related matters, and their corresponding NOAA contact for obtaining further NEPA guidance, is found in Exhibit 3 to this Order.

5.01b.4. RPMs should consult with this Order when their involvement is reasonably foreseeable in an action or program proposed by a state or local agency or by an Indian tribe that could be a major Federal action.

5.01b.5. RPMs should consult with the NEPA Coordinator and this Order before communicating with other Federal agencies regarding whether, and to what extent, NOAA will become involved in developing proposals for such agencies, or in the preparation of NEPA documents and associated environmental reviews initiated by such agencies.

5.01b.6. When a proposed action involves several organizational units in NOAA, the RPMs of each unit should jointly determine which RPM should take the lead coordinating role in preparing environmental reviews and in assuming responsibility for preparation of any NEPA documents. The NEPA Coordinator will assist RPMs in developing a coordinated process for the action.

5.01b.7. Where disagreements arise regarding NOAA's NEPA procedures for any action, the NEPA Coordinator will make the final decision. A complete statement of the NEPA Coordinator's authorities and functions is presented in Section 2.02a. of this Order.

5.01c. Terminating the Process. The environmental review process may be stopped at any stage if action or program goals change, support for a proposed program or action diminishes, the original analysis becomes outdated, or other special circumstances occur. Should an EIS be terminated after publication of a DEIS, the EPA or CEQ, as appropriate, must be notified (see Section 5.04c.8. of this Order).



### **HANDOUT #3**

#### **Sample Categorical Exclusion Memos**

NAO 216-6 Exhibits 5a and 5b

#### **Exhibit 5a.** Format for Documenting Categorical Exclusion of Several Actions

MEMORANDUM FOR: THE RECORD  
FROM: Donna Marino  
Construction Staff

SUBJECT: Categorical Exclusion, Oxford  
Cooperative Laboratory

NAO 216-6, Environmental Review Procedures, requires all proposed projects to be reviewed with respect to environmental consequences on the human environment.

The proposed project is to renovate and expand the existing main structure at the research facility known as The Cooperative Oxford Laboratory, Oxford, Maryland. The scope of the proposed project is:

Renovation of 10,000 Gross Square Feet (GSF) and Construction of a 7,000 GSF expansion to the main structure at the Cooperative Oxford Laboratory. Renovation work will consist of removal and replacement of either partial or whole components of existing mechanical, electrical, and architectural features. Expansion work will consist of construction of a slab foundation, brick super structure, and a wood trussed and asphalt shingled roof, and build out of interior components.

Expansion and renovation involves furnishing materials, tools, equipment, supervision, and incidentals by the Federal Government. In a cost sharing arrangement with the State of Maryland, the state will provide the funds for labor as required. All work will be conducted by state employees or licensed contractors in conformance with applicable conventional engineering and construction practices. Work will be performed on site, in one location at Oxford, Maryland.

This proposed project represents repair, renovation, and expansion activities to an existing Federal facility. Expansion of the facility will occur. Appropriate State and Federal agencies with jurisdictions over waterfront and shore lands have been advised of the proposed project. A copy of the Maryland State Department of Natural Resources

May 9, 1995, memorandum of Federal Consistency with the State's Coastal Zone Management Program, as are required by Section 307 of the Federal Coastal Zone Management Act of 1972, is attached. Also attached is the Maryland State Department of Natural Resources "Stormwater Management and Sediment & Erosion Control Approval/Waiver" dated June 16, 1995.

This project would not result in any changes to the human environment. As defined in Sections 5.05 and 6.03a.3b. of NAO 216-6, this is an action of limited size or magnitude. As such, it is categorically excluded from the need to prepare an Environmental Assessment.

**Exhibit 5b.** Format for Documenting Categorical Exclusion of Several Actions

MEMORANDUM FOR: THE RECORD  
FROM: F/SF1 - Rebecca Lent  
SUBJECT: Proposed Atlantic Bluefin Tuna Trade  
Restrictions B Categorical Exclusion  
Under NEPA

The National Marine Fisheries Service (NMFS), under the authority of the Atlantic Tunas Convention Act (ATCA), is proposing to restrict the import of Atlantic bluefin tuna (ABT) from Panama, Belize, and Honduras. This proposed action would require minor changes to the existing regulations for the ABT fishery.

After reviewing the proposed rule (copy attached) in relation to NOAA 216-6, including the criteria used to determine significance, we have concluded that the proposed action would not have a significant effect, individually or cumulatively, on the human environment. Further, we have determined that the proposed action is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement in accordance with Section 6.03a.3b. of NOAA Administrative Order 216-6. Specifically, this is an "action of limited size or magnitude" that does not result in a significant change in the original environmental action and involves only minor changes to the regulations.

**BACKGROUND**

In an effort to conserve and manage North Atlantic bluefin tuna, the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted two recommendations at its 1996 meeting requiring its Contracting Parties to take the appropriate measures to the effect that the import of Atlantic bluefin tuna and its products in any form from Belize, Honduras, and Panama be prohibited.

ICCAT has been concerned about the status of North Atlantic bluefin tuna for many years. The most recent scientific stock assessment shows that mid-year spawning biomass (age 8+) of the western management stock in 1995 was estimated to be 13 percent of the 1975 level (which is considered an appropriate proxy for the spawning stock biomass level corresponding to maximum sustainable yield (MSY). Eastern Atlantic bluefin tuna is estimated to be at 19 percent of the level that would produce MSY.

The U.S. Atlantic bluefin tuna fishery is managed under ATCA. Regulation of the fishery is required to implement applicable ICCAT recommendations and ATCA and Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) requirements. Over the years, ICCAT has adopted numerous conservation and management measures aimed at addressing the decline in this resource. These measures have included establishing (1) catch limits and quotas, (2) time and area closures to protect spawning fish, (3) a minimum size to protect juvenile fish, (4) the Bluefin Tuna Statistical Document (BSD) program to track the trade of bluefin tuna, (5) the Bluefin Tuna Action Plan Resolution that establishes a process to identify non-Contracting Parties whose vessels are fishing in a manner that diminishes the effectiveness of ICCAT's bluefin tuna conservation recommendations, and, after giving identified countries an opportunity to rectify the activities of their vessels, can lead to a recommendation of trade measures, (6) measures to enhance Contracting Party compliance with ICCAT's bluefin tuna quotas that can result in quota penalties and, ultimately, trade restrictions. Environmental assessments, resulting in Findings of No Significant Impact, were prepared by NMFS for the actions that resulted in these recommendations. All substantive ABT regulations to date have been evaluated consistent with NEPA. This proposed action does not significantly alter those regulations.

Under the proposed trade restrictions, U.S. dealers would be prohibited from importing ABT products from Belize, Honduras, or Panama. No bluefin tuna were imported from Belize, Honduras, or Panama during 1979-1996. It is unlikely that any importers, wholesalers, or freight forwarders have any significant dependence on bluefin tuna imports from these three countries and there are no extraordinary circumstances that would remove this action from consideration as a categorical exclusion.

Following are the most salient factors contributing to our determination that a categorical exclusion is appropriate for this action:

1. The principal effect of the proposed action would be to penalize, through trade restrictions, countries that do not support conservation and management measures recommended for ABT by ICCAT.
2. The action would not, in the United States, result in any increase in fishing mortality; change any basic fishing practices (i.e., fishing effort, areas fished, etc.); or pose any significant threat to the human environment.
3. The action is of "limited size"; requires only minor changes to existing regulations; and does not result in "a

significant change in the original environmental action." It is intended to help ensure effective implementation of ICCAT conservation recommendations for bluefin tuna.

Attachments



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
PROGRAM PLANNING AND INTEGRATION  
Silver Spring, Maryland 20910

MEMORANDUM FOR:

The Record

NOV 18 2003

FROM:

David Givens  
Director  
NOAA Office of Coastal Studies

SUBJECT:

Categorical Exclusion for Grant No. 123-456-78

NAO 216-6, Environmental Review Procedures, requires all proposed projects to be reviewed with respect to environmental consequences on the human environment. This memorandum addresses the applicability of issuing grant number 123-456-78 to Dr. T. Brown, of the Massachusetts Institute of Technology, to conduct research activities described below.

**Description of project-**

Grant number 123-456-78 would award Dr. Brown with \$200,000 to conduct a project entitled, "The role of competitive interactions between three species of macroalgae in determining the species distribution, density, and abundance in the intertidal zone of Southeastern Massachusetts." The project involves the conduct of the following activities:

1. Transit to study site,
2. Installation of 10 transect lines and temporary markers,
3. Take water samples along transect,
4. Removal of all macroalgae species along the transect,
5. Place water and macroalgal samples in temporary storage for transport back to lab, and
6. Laboratory analysis (weight, tissue, etc.) on macroalgae and water samples.

**Effects of the project-**

The environmental effects of Dr. Brown's project will be limited to some limited trampling of intertidal species, removal of approximately 1500 kilograms of macroalgae (total), and some disruption of wildlife (e.g., crabs, birds, fish, etc.) during the placement of the transect lines. All effects will be limited to the 2000 square feet that comprises the study area. All effects will be temporary in nature. Given the growth rate of the macroalgal species being taken, the 1500 kilograms permanently removed will be replaced within 30 days through natural recruitment to the disturbed site. No other disturbances to the intertidal area are planned for the vicinity being studied during this sampling season. Therefore no cumulative effects are anticipated.

**Categorical exclusion-**

This project would not result in any changes to the human environment. As defined in Sections 5.05 and 6.03c.3(a) of NAO 216-6, this is a research project of limited size or magnitude or with only short term effects on the environment and for which any cumulative effects are negligible. As such, it is categorically excluded from the need to prepare an Environmental Assessment.

**FICTITIOUS SAMPLE  
NOT AN ACTUAL GRANT PROJECT**



**Categorical Exclusion Checklist for Non-Construction  
National Oceanic and Atmospheric Administration Grants**

The purpose of this checklist is to assist National Oceanic and Atmospheric Administration's (NOAA) responsible program managers (RPMs) in determining if the grant(s) they are proposing qualifies for categorical exclusion status under NOAA's National Environmental Policy Act (NEPA) guidelines. Normally, NOAA grants qualify for categorical exclusion from NEPA requirements when the environmental effects are minor or negligible. However, as stated in NOAA's guidelines for implementing NEPA (NAO 216-6; <http://www.rdc.noaa.gov/~nao/216-6.html>) at 5.05.c, under certain conditions, preparation of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required for proposed grants when 1) a grant program is entirely new; 2) under extraordinary circumstances in which normally excluded actions may have a significant environmental impact; or 3) potential impacts associated with the grant are highly controversial. By answering the questions in this checklist, the RPM can determine whether the effects of the grant qualify for categorical exclusion, or require further NEPA documentation in the form of an EA or an EIS. This checklist should be filled out for a grant which is not automatically determined to require an EA or EIS in order to establish compliance with administrative record requirements regarding categorical exclusions (CEs).

1. Identify the NOAA Grant Project and Program:\_\_\_\_\_.
  2. Attach a brief, but specific project description, including: the grant/award recipient, geographical location, and the scope of project(s). Does the grant involve any federal permits, or other federal agency direct involvement, activity, oversight, or funding?  
Yes ( ) No ( )
  3. Is this an entirely new NOAA grant program? Yes ( ) No ( )
  4. Will this NOAA grant establish a precedent or represent a decision in principle about future grant and award actions with potentially significant environmental effects?  
Yes ( ) No ( )
  5. Have a number of similar grant actions been considered? Yes ( ) No ( )
- If yes, although the proposed action's effects may be individually insignificant, will its addition to existing and reasonably foreseeable actions result in cumulatively significant impacts? Yes ( ) No ( )

6. Could this NOAA grant have significant effects on public health or safety? Yes ( ) No ( )

Will the proposed action:

- Create high levels of noise for an extended period of time? Yes ( )  
No ( )
- Have long or short term aesthetic effects, e.g., visual effects or effects on scenery? Yes ( ) No ( )
- Require large amounts of outdoor lighting or create any unusual odors? Yes ( ) No ( )
- Require large amounts of water or electricity for an extended period or time? Yes ( ) No ( )
- Have long or short term effects on the transportation infrastructure, or create a significant increase in local traffic? Yes ( ) No ( )

7. Could this NOAA grant have significant adverse impacts on any geographic area(s) with unique characteristics? Areas to consider include coral reefs, marine protected areas, marine sanctuaries, essential fish habitat, historic or cultural resources, park or refuge lands, wild or scenic rivers, wetlands, or ecologically significant or critical areas, including those listed on the National Register of Natural Landmarks, or listed or eligible for listing on the National Register of Historic Places. Yes ( ) No ( )

Will the proposed action:

- Degrade or disturb coral reefs? Yes ( ) No ( )
- Degrade or disturb previously undisturbed areas? Yes ( ) No ( )
- Affect any areas such as wetlands and flood plains? Yes ( ) No ( )
- Disturb archaeological or historic resources? Yes ( ) No ( )



8. Could this NOAA grant have highly uncertain and potentially significant environmental effects or involve unique or unknown risks? Yes ( ) No ( )

Will the proposed action:

- Potentially result in the introduction or spread of a nonindigenous species? Yes ( ) No ( )
  - Involve aquaculture activities that could result in the introduction or spread of invasive or non-indigenous species? Yes ( ) No ( )
  - Significantly impact water resources such as surface or groundwater? Yes ( ) No ( )
  - Significantly contribute to water degradation or impairment? Yes ( ) No ( )
  - Generate large amounts of hazardous waste or any toxic waste? Yes ( ) No ( )
  - Emit dangerous levels of ionizing or nonionizing radiation? Yes ( ) No ( )
  - Result (directly or indirectly ) in the generation of large amounts of air pollution? Yes ( ) No ( )
9. Could this NOAA grant have adverse effects on species listed or proposed to be listed as Endangered or Threatened, or have adverse effects on designated critical habitats? Yes ( ) No ( )
10. Will this grant threaten to violate a Federal state, local, or tribal law imposed for the protection of the environment? Yes ( ) No ( )
11. Will this NOAA grant have highly controversial environmental effects (i.e, are the effects likely to be subject to serious scientific dispute)? Yes ( ) No ( )

**IF YES WAS CHECKED FOR ANY OF THE ITEMS ABOVE:** Please list the item number, provide additional information about anticipated effects, and contact the NEPA Coordinator at NOAA's Office of Strategic Planning (301-713-1622) as soon as possible to discuss alternatives for providing NEPA documentation.

**IF NO WAS CHECKED FOR ALL OF THE ITEMS ABOVE:** The grant activity may qualify for a Categorical Exclusion (CE). Please review the categories for CEs below and select the applicable category. If none apply, or if you have any questions about the applicability of the CE, please contact the NEPA Coordinator in the Office of Strategic Planning, (301) 713-1622.

APPLICABLE?	CATEGORY	DESCRIPTION
YES/NO		

	Research NAO 216-6 6.03.c.3(a)	Programs or projects of limited size and magnitude or with only short-term effects on the environment and for which any cumulative effects are negligible. Examples include natural resource inventories and environmental monitoring programs conducted with a variety of gear (satellite and ground based sensors, fish nets, etc.) in water, air, or land environs. Such projects may be conducted in a wide geographic area without need for an environmental document provided related environmental consequences are limited or short-term.
	Financial and Planning Grants NAO 216-6 6.03.c.3(b)	Financial support services and programs, such as federal or state loans or grants, (e.g., Saltsonstall-Kennedy grant, a fishery loan or grant disbursement under the Fishermen's Contingency Fund or Fisheries Obligation Guarantee Program), where the environmental effects are minor or negligible, and no environmental consequences are anticipated beyond those already analyzed in establishing such programs, laws or regulations. New financial support services and programs should undergo an environmental analysis at the time of conception to determine if a CE could apply to subsequent actions.
	Minor Project Activities NAO 216-6 6.03.c.3(c)	Projects where the proposal is for a minor amelioration action such as planting dune grass or for minor project changes or minor improvements to an existing site (e.g., fences, roads, picnic facilities, etc.), unless the project's impacts in conjunction with past, present or reasonably foreseeable future actions may result in a significant impact the human environment (40 CFR 1508.7).
	Pre-Proposal Actions 40 CFR 1508.23	Planning actions before a proposal exists do not require NEPA analysis. A "proposal" exists at that stage in the development of an action when a NOAA organization has a goal and begins its decision-making process, including consideration of environmental impacts, toward realization of that goal.
	Administrative or Programmatic Functions NAO 216-6 6.03.c.3(d)	<p>The following NOAA programmatic functions that hold no potential for significant environmental impacts qualify for a CE:</p> <ul style="list-style-type: none"> <li>· Program planning and budgeting</li> <li>· Mapping, charting and surveying services</li> <li>· Ship support, ship and aircraft operations</li> <li>· Fishery financial support services</li> <li>· Grants for fishery data collection activities</li> <li>· Basic and applied research and research grants, except as provided in Section 6.03.b of NAO 216-6</li> <li>· Enforcement operations</li> </ul>

		<ul style="list-style-type: none"> <li>· Basic environmental services and monitoring, such as weather observations, communications, analyses, and predictions</li> <li>· Environmental satellite services</li> <li>· Environmental data and information services</li> <li>· Air quality observations and analysis</li> <li>· Support of national and international atmospheric and Great Lakes research programs</li> <li>· Executive direction</li> <li>· Administrative services</li> <li>· Administrative support advisory bodies</li> </ul>
	Regulations Implementing Projects or Plans NAO 216-6 6.03.c.3(i)	Routine operations and routine maintenance, preparation of regulations, Orders, manuals, or other guidance that implement, but do not substantially change these documents, or other guidance; policy directives, regulations and guidelines of an administrative, financial, legal, technical or procedural nature, or the environmental effects of which are too broad, speculative or conjectural to lend themselves to meaningful analysis and will be subject later to the NEPA process, either collectively or case-by-case; activities which are educational, informational, advisory or consultative to other agencies, public and private entities, visitors, individuals or the general public; actions with short term effects, or actions of limited size or magnitude.
	Listing Actions Under Sec. 4(a) of ESA NAO 216-6 6.03.e.3	<p>The following actions may be appropriate for CE:</p> <ul style="list-style-type: none"> <li>· Preparation of recovery plans pursuant to Section 4(f)(1), because such plans are only advisory documents that provide consultative and technical assistance in recovery planning. However, implementation of specific tasks themselves identified in recovery plans may require an EA or EIS depending on the significance of the action (see NAO 216-6 Section 6.03e.2(b) for guidance on NEPA compliance for implementation of recovery actions).</li> <li>· Permits for scientific research or to enhance the propagation or survival of listed species pursuant to Section 10(a)(1)(a) of the ESA (except for permits covered in NAO 6.03e.2(c)). The RPM must also consider the cumulative impact on the listed species from the total amount of permits issued with CEs, and take into account any population shifts with the subject species.</li> <li>· Critical habitat designations where a designation overlaps with listing protections and is unlikely to have a significant effect on the human environment. CEs will not apply for critical habitat designations that include</li> </ul>



		<p>restoration of submerged, riparian intertidal or wetland substrates; replacement or restoration of shellfish beds through transplant or restocking; or structural or biological repair or restoration of coral reefs</p> <ul style="list-style-type: none"> <li>· Actions to restore historic habitat hydrology, where increased risk of flood or adverse fishery impacts are not significant (e.g., restoration, rehabilitation, or repair of fish passageways or spawning areas; restoration of tidal or non-tidal wetland inundation</li> <li>· Actions to enhance the natural recovery processes of living resources or systems affected by anthropogenic impact (e.g., use of exclusion methods such as fencing to protect stream corridors, riparian areas or other sensitive habitat; actions to stabilize dunes, marsh edges, or other mobile shoreline features</li> </ul>
	<p>Fisheries Management Plans and Plan Amendments NAO 216-6 6.03.d.4</p>	<p>Fisheries management actions may qualify for a CE pursuant to Section 9.03a.3. of NAO 216-6 if the actions individually and cumulatively do not have the potential to pose significant effect to the quality of the human environment. Actions that may receive a CE include:</p> <ul style="list-style-type: none"> <li>· Ongoing or recurring fisheries actions of a routine administrative nature when the action will not have any impacts not already assessed or the RPM finds they do not have the potential to pose significant effects to the quality of the human environment such as: reallocations of yield within the scope of a previously published fisheries management plan (FMP), or fishery regulation, combining management units in related FMP, and extension or change of the period of effectiveness of an FMP or regulation; and</li> <li>· Minor technical additions, corrections, or changes to an FMP.</li> </ul> <p>CE determinations for FMPs and FMP amendments require specific documentation. Refer to NAO 216-6 at 6.03c.3d.4 for further instructions.</p>